IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 8129 of 2004

Dated 11th September, 2006

Between

U.Nirmala

.....Petitioner

and

Commisjsioner of Higher Education, Nampally,
Hyderabad and ors.

....Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 8129 of 2004

ORDER:

Though WPMP is listed for hearing, at the request of learned Counsel appearing on either side, the Writ Petition is taken up for final hearing and is being disposed of by this order.

This Writ Petition is filed seeking Writ of Mandamus to declare the action of the respondents in withholding certain monetary benefits, and, not forwarding pension papers of the petitioner, on account of death of her husband, as illegal and arbitrary.

The petitioner's husband, late K.Sudershan Reddy was the lecturer in the fourth respondent-degree college. Certain monetary benefits were withheld on the objection of the respondents 5 and 6, who are parents of the deceased. However, they also filed suit in O.S.No.4 of 2004 on the file of the I Additional District Judge, Anantapur claiming partition and separate possession. As much as amounts due on account of death of the petitioner's husband were already transferred to the credit of the suit in O.S.No. 4 of 2004, those amounts can be paid by passing appropriate orders in the suit. But, however, so far as family pension is concerned, there is no reason for the fourth respondent for not forwarding the same to the second respondent. As far as family pension is concerned, since the husband of the petitioner died on 16-10-2003, the petitioner alone is entitle for the payment of family pension. In that view of the matter, I dispose of the Writ Petition directing the fourth respondent to forward family pension papers to the concerned authorities within four weeks from today for passing appropriate orders for payment of the same.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 11-09-2006.
Msnr.